



# PLANNING & ZONING COMMISSION

## AGENDA REQUEST

<b>AGENDA OF:</b>	12/11/07	<b>AGENDA REQUEST NO:</b>	VA
<b>INITIATED BY:</b>	TRAVIS TANNER, AICP SENIOR PLANNER <i>Travis Tanner</i>	<b>RESPONSIBLE DEPARTMENT:</b>	PLANNING
<b>PRESENTED BY:</b>	TRAVIS TANNER, AICP SENIOR PLANNER	<b>ASSISTANT PLANNING DIRECTOR:</b>	DOUGLAS P. SCHOMBURG, AICP <i>D.P.S.</i>
		<b>ADDITIONAL DEPARTMENT HEAD (S):</b>	N/A
<b>SUBJECT / PROCEEDING:</b>	CONDITIONAL USE PERMIT (CUP) BY VALERO TO LOCATE CONVENIENCE STORE WITH GAS SALES AT SOUTHEAST CORNER OF ELDRIDGE & WEST AIRPORT, IN THE NEIGHBORHOOD BUSINESS (B-1) DISTRICT / PUBLIC HEARING, DISCUSSION AND DIRECTION		
<b>EXHIBITS:</b>	STAFF REPORT, VICINITY MAP, AERIAL IMAGE OF SITE, SITE PHOTOS, CONCEPTUAL SITE PLAN, RECORDED PLAT, APPLICATION, CORRESPONDENCE, HEARING NOTICE		
<b>CLEARANCES</b>		<b>APPROVAL</b>	
<b>LEGAL:</b>	N/A	<b>DIRECTOR OF PLANNING:</b>	SABINE SOMERS-KUENZEL, AICP <i>AK</i>
<b>RECOMMENDED ACTION</b>			
Public Hearing followed by Discussion and Direction from the Commission.			
<b>EXECUTIVE SUMMARY</b>			
<p>Valero has requested a Conditional Use Permit (CUP) to develop a convenience store with gasoline sales at the southeast corner of Eldridge and West Airport, in the Neighborhood Business (B-1) district. A CUP is required for the gasoline sales component in the B-1 district. All of the surrounding property is also zoned B-1, with the exception of vacant residential land to the west, across Eldridge. A site plan has been approved for the Fort Bend Church directly to the south and for a Jack in the Box to be located immediately east. A traffic impact analysis (TIA) has been approved for the overall development, resulting in the Valero site sharing a driveway with both the Fort Bend Church and Jack in the Box site (see attached site plan) and utilizing turn lanes to mitigate their traffic impact. Eight (8) pump stations are proposed to be covered by a canopy. The site complies with all applicable development regulations including, but not limited to, setbacks and parking.</p>			
File No. 8839			

EXHIBITS

**GENERAL SITE INFORMATION AND ANALYSIS:**

The following is a summary of general site information.

<b>Adjacent Zoning</b>	<b>North:</b>	<b>Neighborhood Business (B-1)</b>
	<b>South:</b>	<b>Neighborhood Business (B-1)</b>
	<b>East:</b>	<b>Neighborhood Business (B-1)</b>
	<b>West:</b>	<b>Standard Single-Family Residential (R-1)</b>
	<b>Site:</b>	<b>Neighborhood Business (B-1)</b>
<b>Adjacent Land Use</b>	<b>North:</b>	<b>W. Airport ROW / CVS</b>
	<b>South:</b>	<b>Proposed Fort Bend Church (approved site plan)</b>
	<b>East:</b>	<b>Proposed Jack in the Box (approved site plan)</b>
	<b>West:</b>	<b>Eldridge Rd. ROW / Vacant Residential</b>
	<b>Site:</b>	<b>Vacant Commercial</b>

**DEVELOPMENT CODE PROVISIONS FOR CONDITIONAL USE PERMITS:**

**Sec. 2-22. Standard of Review**

In reviewing the application, the Commission and Council will consider the impact the proposed use would have on surrounding premises and the community, including traffic, noise, and property values; any conditions or restrictions that could mitigate any adverse impact; and other matters that are relevant to a determination of whether the use would be a compatible and appropriate use of the premises.

**Sec. 2-23. Conditions**

The Commission may recommend, and the Council may impose, reasonable conditions and restrictions in the granting of a permit to mitigate any adverse impacts of the proposed use. The conditions must be specified in the ordinance approving the permit.

## **PRELIMINARY ANALYSIS:**

### ***Case Details:***

The site is specifically Reserve “A” of the OCC West Airport Division (File No. 20070214) and consists of approximately 1.3 acres. It is located at the southeast corner of Eldridge and West Airport. It was platted as part of a commercial development consisting of three (3) reserves. A site plan has been approved for a Jack in the Box and for a Washington Mutual for the other two reserves. The overall development is approximately three (3) acres. It is adjacent to the Fort Bend Church development, which is located to the south. The Fort Bend Church is a 6.36-acre development that effectively wraps around the OCC West Airport Division and fronts on both Eldridge and West Airport. It is a separate plat (The Fort Bend Church, File No. 20070095) with only one reserve (Reserve “A”, 6.357 ac.). A site plan was approved for the Church to be located on this site. Additionally, a traffic impact analysis (TIA) was performed for the Church and for the OCC West Airport Division. The TIA took into account a convenience store with gas sales at the site. The TIA was approved by the City and the traffic impact of the overall development will be mitigated by two westbound left turn lanes on West Airport (one into the Fort Bend Church site and another into the Jack in the Box site) and an eastbound right turn lane into the Jack in the Box site. The Valero site will specifically have direct access to Eldridge through a shared driveway with the Church, which is a recorded agreement. The site will gain access to Airport through a recorded cross access agreement with the Jack in the Box site.

From a Planning standpoint, the site appears to comply with all applicable development regulations except that it has not yet received a CUP for the particular use. It has been platted and meets all the required building and parking setbacks. The number of parking spaces also exceeds Development Code requirements for the proposed building, which is 5,500 square feet. Additionally, if a CUP is granted, a site plan will be reviewed for compliance with the Landscaping Regulations and Building Finish Standards. The parking lot is required to be screened with a 3’ continuous hedge and with one tree for every 30’ along Eldridge and one tree for every 50’ along West Airport. Both the building and gas canopy and columns are subject to the Finish Standards, which require 70 percent Primary Finish in the B-1 district. In the B-1 district, Primary Finish may consist of stone material, brick, glass wall, concrete panel or cementitious stucco. In addition, the dumpster shown on the site plan must have a minimum 6’ masonry enclosure as with other developments. The site plan is attached to this document.

## **PUBLIC HEARING:**

Notice of the Hearing was published in a newspaper of general circulation and on the City website. Additionally, all property owners within 200’ of the site were notified. At the time of this report, staff has received one phone call, which was

from a nearby gas station owner expressing concerns regarding the impact of another gas station on his business. This is not a zoning-related concern.

Staff conducted a field investigation. No issues were identified at the site. A courtesy notification sign was placed at the site. Photos from the field investigation are attached to this document.

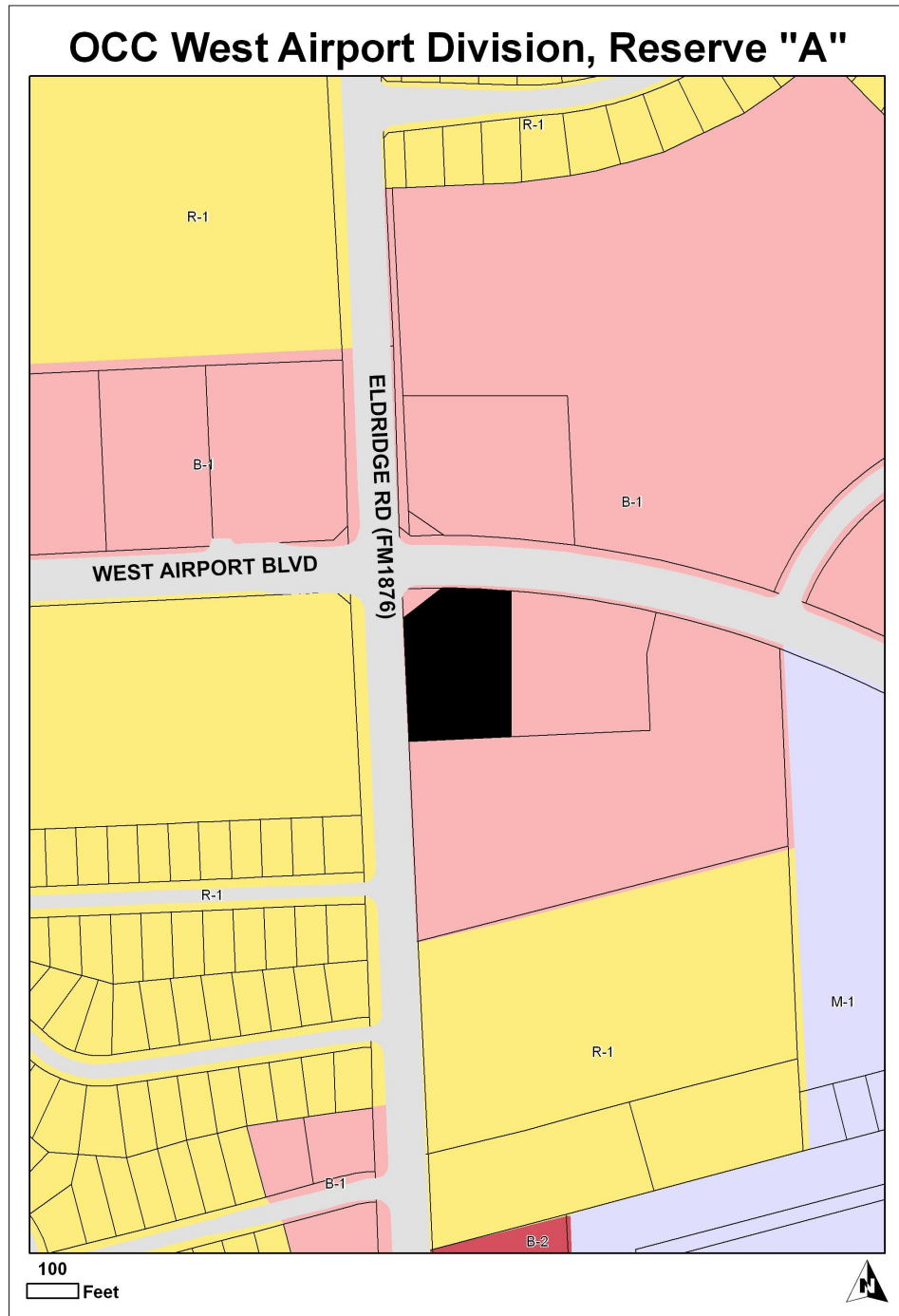
#### **POINTS FOR CONSIDERATION:**

The Commission will make a recommendation on the CUP to the Mayor and Council at a subsequent meeting. The Commission may wish to impose conditions on having the requested use at this particular site. The following items can be taken into consideration:

- Requiring a lighting plan when the site plan is submitted, demonstrating that there will be no impact on future residential development to the west
- Limitation on the number of pump stations (8)
- Conditions in addition to the existing Building Finish Standards to enhance durability of gas canopy columns (concrete material with brick or stucco exterior)

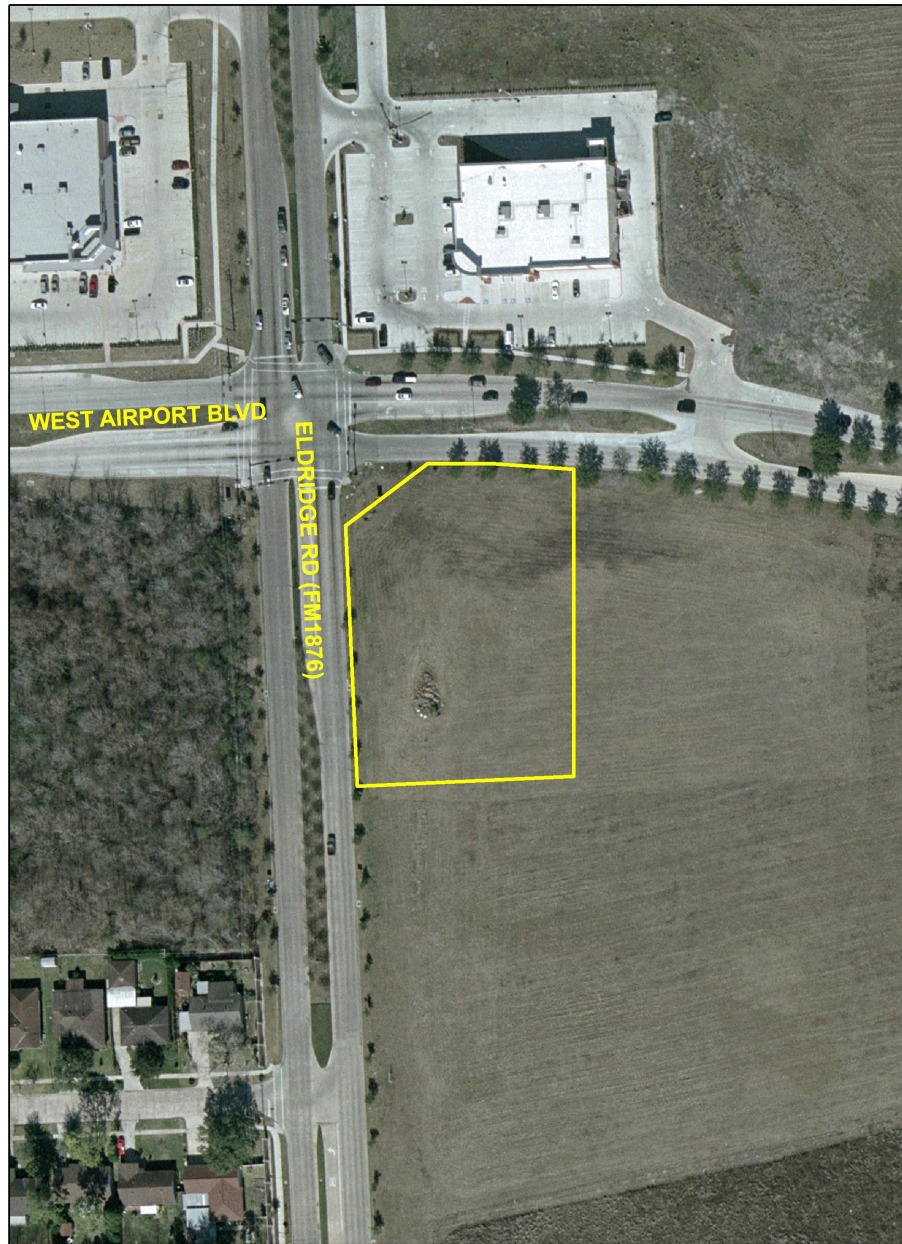
File No. 8839

**Vicinity Map:**



**Aerial Image of Site:**

**Valero Site Aerial**



100  
Feet





**Site Photos (11/27/07):**

***View of Site from Across W. Airport:***



***View of Site and Adjacent Site to the East:***



***Traffic Signal at Airport / Eldridge:***



***Corner:***



[illegible]

## Ft. Bend Church





**Application:**

RECEIVED

OCT 15 2007



PLANNING

FOR OFFICE USE  
Accounting Code: ZC

PLANNING DEPARTMENT  
CONDITIONAL USE PERMIT OR REZONING APPLICATION

Please type or print the following information & Return your submittal to the Planning Department, City Hall, 2700 Town Center Blvd. North, Sugar Land, TX 77479, Attention: Development Review Coordinator

**Applicant**

Contact Glenn W. McDowell Brooks and Sparks, Inc.  
Address 21020 Park Row Katy, TX 77449  
Phone 281-578-9595 Fax 281-578-9686  
Email glennm@brooksandsparks.com

**Owner**

Contact David Runcie Valero Energy Corporation  
Address 4840 Dacoma Houston, TX 77092  
Phone 713-812-3015 Fax 713-812-3072  
Email david.runcie@valero.com

Property Legal Description 1.2824 Acres out of G Brown & See Attached  
C. Belknap League A-15  
Lot            Block            Subdivision OCC West Airport Division Reserve "B"

Current Zoning District B-1 Proposed Zoning District, if applicable           

If this is a CUP application: ☒ new building ☐ existing building

Proposed Use (CUP only) Convenience Store with Gas Sales and a Food  
Program "Restaurant"

This is to certify that the information on this form is COMPLETE, TRUE, and CORRECT and the undersigned is authorized to make this application. This application expires six months from the date stamped as received by the Planning Department if no action has been taken by the Planning and Zoning Commission on this request.

X

Signature of Applicant

Date

**Submittal Requirements (Submittal Deadline is Monday at 3:00 p.m.):**

- ☐ Three (3) copies of the completed application
- ☐ Check for \$1,000.00 (non-refundable) \$400 if CUP is in Mixed Use Conservation (MUC) District
- ☐ Metes and bounds of the site or county slide number of plat, if recorded
- ☐ Two (2) 24" x 36" blue-line copies and two (2) 11" x 17" copies of the CUP layout plan or the property to be rezoned, including a vicinity map and north arrow on each copy
- ☐ Two (2) copies of a letter stating the applicant's request and addressing issues relating to a CUP including traffic circulation, parking, plan of operation, and other pertinent information
- ☐ Names and mailing addresses of all property owners and tenants within 200 feet of site, including owner and applicant

Correspondence:

**BROOKS & SPARKS, INC.**  
CONSULTING ENGINEERING

October 15, 2007

City of Sugar Land Planning Department  
City Hall  
2700 Town Center Blvd. North  
Sugar Land, Texas 77479

Attn: Development Review Coordinator

Re: Conditional Use Permit Application regarding the proposed  
Valero Store #1436 located at 13445 West Airport and Eldridge Road

Gentlemen:

Valero Energy Corporation respectfully requests a Conditional Use Permit (C.U.P.) for the proposed new Corner Store #1436 to be located at the southeast corner of West Airport Blvd. and Eldridge Road. The 1.2824 acre site is currently zoned B-1 and as such requires a C.U.P. for the proposed gasoline sales and the food program "restaurant" located inside the store.

Valero is proposing to operate the facility as a convenience store with gas sales open to serve the public twenty-four hours a day. The food program "restaurant" will incorporate a six seat dine in coffee counter, but will mainly sell prepared food to go. No drive through service is proposed.

Traffic circulation will be provided by a reciprocal cross access easement agreement (FBC 2007054581) at the southwest corner of the property (on Eldridge) and an ingress and egress easement with the property to the east across the front (north) of the property as shown on the recorded plat. The site has been designed to accommodate the turning requirements of 18-wheel gasoline tanker trucks and should therefore provide easy traffic circulation for Valero's customers. Thirty parking spaces, including two designated as handicap accessible, have been provided.

Thank you in advance for your cooperation. Please do not hesitate to call should you have questions or require additional information.

Sincerely



Glenn W. McDowell  
Associate Principal

Enclosure

GWM/jj

:\Valero\342-0223-00 #1436\Correspondence\Letters\2.cup.app.gwm.10.15.07.doc

21020 PARK ROW KATY, TEXAS 77449  
281-578-9595 - FAX: 281-578-9686

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OCT 15 2007

PLANNING

## **NOTICE OF PUBLIC HEARING**

**REQUESTED CONDITIONAL USE PERMIT (CUP) FOR A CONVENIENCE STORE WITH GASOLINE SALES TO BE LOCATED AT THE SOUTHEAST CORNER OF THE INTERSECTION OF WEST AIRPORT BOULEVARD AND ELDRIDGE ROAD, IN THE NEIGHBORHOOD BUSINESS (B-1) DISTRICT. THE PROPERTY IS FURTHER DESCRIBED AS RESERVE "A" OF OCC WEST AIRPORT DIVISION, FILE NO. 20070214, FORT BEND COUNTY, TEXAS.**

**PURPOSE:** One (1) public hearing shall be held at which all persons interested in the proposed Conditional Use Permit (CUP) shall be given an opportunity to be heard.

**WHERE:** CITY OF SUGAR LAND CITY COUNCIL CHAMBER  
CITY HALL  
2700 TOWN CENTER BOULEVARD NORTH  
SUGAR LAND, TEXAS

**WHEN:** CITY OF SUGAR LAND  
PLANNING AND ZONING COMMISSION MEETING  
7:00 P.M., DECEMBER 11, 2007

**DETAILS OF THE PROPOSED CONDITIONAL USE PERMIT (CUP) MAY BE OBTAINED BY CONTACTING THE CITY OF SUGAR LAND PLANNING OFFICE AT (281) 275-2218 OR BY EMAIL AT [PLANNING@SUGARLANDTX.GOV](mailto:PLANNING@SUGARLANDTX.GOV). THE PLANNING OFFICE IS OPEN MONDAY THROUGH FRIDAY FROM 8:00 O'CLOCK A.M. TO 5:00 O'CLOCK P.M., AND IS LOCATED AT CITY HALL, 2700 TOWN CENTER BOULEVARD NORTH, SUGAR LAND, TEXAS. PLEASE CONTACT US IF YOU WISH TO SET UP AN APPOINTMENT TO GO OVER ADDITIONAL DETAILS IN PERSON.**